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5  
6 Attorneys for Complainant

7 **BEFORE THE**  
8 **DIVISION OF MEDICAL QUALITY**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 THOMAS M. BROD, M.D.  
12304 Santa Monica Boulevard  
14 Suite 210  
Los Angeles, California 90025  
15 Physician's and Surgeon's Certificate No.  
G-20595,

16 Respondent.

NO. D-5408

OAH No. L-61681

**STIPULATED SETTLEMENT**  
**AND**  
**DISCIPLINARY ORDER**

17  
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the  
19 parties to the above-entitled proceedings that the following matters are true:

20 1. An Accusation in case number D-5408 was filed with the Division of  
21 Medical Quality, of the Medical Board of California Department of Consumer Affairs  
22 (the "Division") on September 15, 1993, and is currently pending against Thomas M.  
23 Brod, M.D. (the "respondent").

24 2. The Accusation, together with all statutorily required documents, was duly  
25 served on the respondent on or about September 15, 1993, and respondent filed his  
26 Notice of Defense contesting the Accusation on or about September 23, 1993.

27 3. The Complainant, Dixon Arnett, is the Executive Director of the Medical

1 Board of California and brought this action solely in his official capacity. The  
2 Complainant is represented by the Attorney General of California, Daniel E. Lungren,  
3 by and through Deputy Attorney General Robert McKim Bell.

4 4. The respondent is represented in this matter by Peter R. Osinoff, Esq.,  
5 Bonne, Bridges, Mueller, O'Keefe & Nichols, 3699 Wilshire Boulevard, 10th Floor, Los  
6 Angeles, California 90010-2719.

7 5. The respondent and his attorney have fully discussed the charges  
8 contained in Accusation number D-5408, and the respondent has been fully advised  
9 regarding his legal rights and the effects of this stipulation.

10 6. At all times relevant herein, respondent has been licensed by the Medical  
11 Board of California under Physician's and Surgeon's Certificate No. G-20595.

12 7. Respondent understands the nature of the charges alleged in the  
13 Accusation and that, if proven at hearing, the charges and allegations would constitute  
14 cause for imposing discipline upon his Physician's and Surgeon's Certificate.  
15 Respondent is fully aware of his right to a hearing on the charges contained in the  
16 Accusation, his right to confront and cross-examine witnesses against him, his right to  
17 the use of subpoenas to compel the attendance of witnesses and the production of  
18 documents in both defense and mitigation of the charges, his right to reconsideration,  
19 appeal and any and all other rights accorded by the California Administrative  
20 Procedure Act and other applicable laws. Respondent knowingly, voluntarily and  
21 irrevocably waives and give up each of these rights.

22 8. Respondent hereby withdraws his Notice of Defense and pleads nolo  
23 contendere, or no contest, to a charge of repeated negligent acts in violation of  
24 Business and Professions Code section 2234(c), the basis of which is as follows:

25 A. On or about July 5, 1985, respondent undertook the care of an  
26 adult female psychiatric patient, "V.T.", who suffered from the traumatic effects  
27 of early childhood sexual and physical abuse. Respondent met with "V.T." in

1 individual psychotherapy sessions for approximately four years until on or about  
2 April 8, 1989.

3 B. In the course of said relationship, respondent failed to maintain  
4 appropriate professional boundaries.

5 C. The patient initially was referred to Dr. Brod for a problem with  
6 urinary retention and undertook biofeedback therapy for that problem. In or  
7 about February 1986, the patient's urinary retention problem improved and she  
8 ceased further biofeedback therapy but continued with psychotherapy. Shortly  
9 after the commencement of treatment, respondent formed the impression that  
10 the patient suffered from major depression.

11 D. Respondent developed certain pictures and writings of the patient  
12 into a profile of his therapy with "V.T.", entitled "Structured Imagery in the  
13 Initiation of Psychotherapy: A Case Study," which he presented at two  
14 professional meetings.

15 E. In or about August 1986, the patient was notified of a potentially  
16 large inheritance stemming from relatives in Switzerland. The patient told Dr.  
17 Brod of the inheritance.

18 F. The patient told Dr. Brod that she would need to travel to  
19 Switzerland to take care of matters involving her inheritance. Dr. Brod agreed  
20 to accompany his patient to Switzerland but required that the patient write a  
21 letter stating her need to have him along on the trip. Respondent also brought  
22 his wife.

23 G. Dr. Brod purchased airline tickets for himself, his wife and the  
24 patient, for which he was repaid by the patient. The three traveled together to  
25 Europe visiting Amsterdam and Zurich. They left together on September 14,  
26 1986 and the patient returned alone on September 21, 1986. Dr. Brod and his  
27 wife returned two days later. Upon the advice of Dr. Brod, the patient

1 substituted a person known to Dr. Brod for the attorney handling her  
2 inheritance.

3 H. The respondent traveled to Europe with his patient, despite being  
4 advised about the potential negative consequences of doing so by Dr. J. G.,  
5 M.D., his personal psychoanalyst, and by Dr. K. M., M.D., who was his  
6 consultant.

7 I. In Europe, the respondent, his wife and the patient engaged in  
8 personal encounters likely to be misinterpreted and confusing to his client,  
9 including taking meals together in restaurants at which alcohol was consumed, by  
10 staying at the same hotel, by celebrating the patient's birthday with a festive  
11 dinner, by visiting museums, taking snapshots together, and by advancing her  
12 money for the purchase of a coo-coo clock. In addition, the respondent  
13 permitted the patient to buy his wife a gift, a handbag, and used the occasion to  
14 deliver a professional paper in Amsterdam on an unrelated subject.

15 J. Upon returning to California, Dr. Brod presented the patient with  
16 a bill for the cost of the trip, including airline and hotel costs for the time when  
17 all three were in Europe.

18 K. Scheduled therapy sessions increased to five times a week,  
19 ordinarily as the last appointment of the day.

20 L. In April 1989, the patient was at Dr. Brod's office for a  
21 professional visit. Dr. Brod asked the patient to remain in his outer waiting  
22 room while he typed a letter. When the respondent finished with his letter, he  
23 accompanied the patient to his car, purportedly to take her to her bus stop.  
24 Instead of taking her there, respondent drove the patient to Santa Monica-West  
25 Mental Health Center. Upon arrival, she was apprehended by a guard and  
26 restrained with handcuffs. The respondent told the personnel of the facility that  
27 the patient appeared to be homicidal and suicidal. He gave the staff officer of

1 the day a letter and directed that the patient be held involuntarily pursuant to  
2 Welfare and Institutions Code section 5150.

3 M. In the course of therapy with "V.T.," respondent developed a  
4 substantial personal relationship with the patient.

5 N. He corresponded directly with her attorney in Europe inquiring  
6 about her inheritance.

7 O. He did not maintain a clear and objective perspective in  
8 conducting psychotherapy with the patient.

9 P. He did not contemporaneously prepare adequate clinical notes  
10 incident to treatment sessions with the patient and failed to make  
11 contemporaneous written notation of all prescription and non-prescription  
12 medications provided or prescribed to his patient, which included antidepressant  
13 medications, Atarax, Buspar, propranol, tegretol, meclizine, klonopin, amino acids  
14 and Vitamin B-6.

15 Q. Over the period of August 1985 to April 1989 respondent provided  
16 his patient with gifts, including flowers on her birthday, a lap harp, two posters  
17 of artwork by Georgia O'Keefe, a tape of Indian sitar music, and concert tickets.

18 R. In addition, respondent gave his patient car rides to her home or  
19 to the bus stop, visited the patient's home, made contact with her daughter, and  
20 provided her with the gift of an audiotape, sent cards marking special occasions,  
21 telephoned the patient and visited the Los Angeles County Art Museum to see  
22 an exhibit on German Expressionist art.

23 S. On one occasion, in session, the respondent struck the patient  
24 twice on her knees.

25 9. The remaining charges in the Accusation are hereby dismissed.

26 10. The parties agree that this stipulation shall resolve all claims that the  
27 Board may have against Respondent related to or arising out of his care and treatment

1 of patient "V.T." from 1985 to 1989.

2 11. Respondent is aware that, in any petition he may file for reinstatement or  
3 modification of penalty pursuant to Government Code section 11522 or Business and  
4 Professions Code section 2307, or in any other proceeding before the Medical Board of  
5 California, the Board may, can and will consider as true and established that  
6 respondent violated section 2234(c) in the manner set forth in paragraph 8.

7 12. The statements made by respondent herein are for the purpose of this  
8 proceeding and any other proceedings in which the Division of Medical Quality,  
9 Medical Board of California, or other California governmental professional licensing  
10 agency is involved, and shall not be used as an admission in any other civil, criminal, or  
11 administrative proceeding, including but not limited to hospital staff privilege reviews.

12 13. Respondent agrees that the Division of Medical Quality may impose  
13 discipline upon his physician's and surgeon's certificate in the manner set forth below.

14  
15 **CIRCUMSTANCES IN MITIGATION**

16 14. Respondent has never been disciplined by the Medical Board of  
17 California, or by any other state or local agency, hospital, professional society, or other  
18 professional organization.

19 15. Respondent obtained consultation and personal psychotherapy regarding  
20 difficulties he encountered in the treatment of "V.T."

21 16. Subsequent to "V.T.'s" treatment, respondent took more than 80 hours of  
22 continuing medical education on the topic of treatment of childhood sexual trauma,  
23 among more than 700 hours of continuing medical education courses taken by him  
24 during the past seven years.

25 17. Respondent has been active throughout his career in community service,  
26 most notably this year in organizing mental health support for victims of the Northridge  
27 earthquake, and in volunteer treatment of AIDS patients.

18. Based on the foregoing stipulated matters and circumstances in mitigation, the parties agree that the Division shall, without further notice or formal proceeding, issue and enter the following order:

**DISCIPLINARY ORDER**

**IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate number G-20595 issued to Thomas M. Brod, M.D. is revoked. However, the revocation is stayed and respondent is placed on probation for two years on the following terms and conditions:

1. **EDUCATION COURSE** Within ninety (90) days of the effective date of this decision, and on an annual basis thereafter, respondent shall submit to the Division or its designee for its prior approval an educational program or course to be designated by the Division or its designee in the field of dual relationships, transference and/or boundary issues -- and to the extent that courses are not reasonably available within 150 miles of the respondent's address of record -- in the field of clinical psychiatry. Such continuing education shall not be less than 40 hours per year, for each year of probation and shall be in addition to the Continuing Medical Education requirements for re-licensure. Following the completion of each course, the Division or its designee may administer an examination to test respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of continuing medical education of which 40 hours were in satisfaction of this condition and were approved in advance by the Division or its designee.

2. **ETHICS** Within 60 days of the effective date of this decision, respondent shall submit to the Division, or its designee, for its prior approval a course in Ethics, which respondent shall successfully complete during the first year of probation.

3. **DUAL OR SECONDARY RELATIONSHIPS PROHIBITED** Respondent is prohibited from engaging in any type of dual or secondary relationship with a patient,

1 or with any person related to or associated with a patient to the degree that the  
2 respondent's primary professional relationship with a patient is affected or  
3 compromised. For the purposes of this order, a dual or secondary relationship exists  
4 when the psychiatrist maintains or enters into a social, commercial, financial, or other  
5 relationship with his patient, which the psychiatrist knows, or reasonably should know,  
6 would affect his ability to render professional services to the patient in a completely  
7 objective and independent manner. Such prohibited dual or secondary relationships  
8 shall include but are not limited to the following:

9           A.     A business relationship either with the patient or anyone who is  
10           related to or associated with the patient to the degree that the licensee's primary  
11           professional relationship with the patient is affected or compromised by the  
12           potential for any personal, professional or financial gain or loss by the licensee.

13           B.     A romantic, physically intimate or sexual relationship with the  
14           patient or with anyone who is related to or associated with the patient to the  
15           degree that the licensee's primary professional relationship with the patient is  
16           affected or compromised.

17           C.     A barter of goods, property or services of any kind in exchange for  
18           the performance of professional services.

19           D.     A personal relationship wherein the psychiatrist knows, or  
20           reasonably should know, that the intent of the licensee or the patient is to  
21           expand the professional relationship into an individual, social relationship.  
22           Examples of such prohibited personal relationships include but are not limited to  
23           borrowing or lending money, giving or receiving gifts, bartering a service or  
24           product as payment for therapy, disclosure of current personal stresses by the  
25           therapist, employing a patient, transporting a patient, dining with a patient, or  
26           inviting a patient to a party or social event.

27           Prohibited dual or secondary relationships shall not include superficial social



1 encounters which cannot be predicted or avoided; however, the licensee shall have a  
2 duty to minimize such social encounters and shall under no circumstance create  
3 situations under which a patient may feel an obligation to engage in social activities  
4 with the licensee.

5       4.     PREScription DRUGS - MAINTAIN RECORD Respondent shall maintain a  
6 record of all prescription medications prescribed, dispensed or administered by  
7 respondent during probation, showing all the following: 1) the name and address of the  
8 patient, 2) the date, 3) the character and quantity of medication involved, and 4) the  
9 indications and diagnosis for which the medication was furnished. Respondent shall  
10 keep these records in a separate file or ledger, or on duplicate prescription pads, in  
11 chronological order, and shall make them available for inspection and copying by the  
12 Division or its designee, upon request.

13       5.     COST RECOVERY Respondent shall pay directly to the Division a  
14 liquidated sum in partial repayment of the board's costs of the investigation and  
15 prosecution of the case. That sum is determined to be \$5,000.00, and shall be paid in  
16 full within 24 months of the effective date of this decision. Cost recovery will not be  
17 tolled.

18       6.     OBEY ALL LAWS Respondent shall obey all federal, state, and local laws,  
19 and all rules governing the practice of medicine in California.

20       7.     QUARTERLY REPORTS Respondent shall submit quarterly declarations  
21 under penalty of perjury on forms provided by the Division, stating whether there has  
22 been compliance with all the conditions of probation.

23       8.     SURVEILLANCE PROGRAM Respondent shall comply with the Division's  
24 probation surveillance program.

25       9.     INTERVIEW WITH MEDICAL CONSULTANT OR DESIGNEE Respondent shall  
26 appear in person for interviews with the Division's medical consultant or its designee  
27 upon request at various intervals and with reasonable notice.

1           10.    TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE The period of  
2 probation shall not run during the time respondent is residing or practicing outside the  
3 jurisdiction of California. If, during probation, respondent moves out of the jurisdiction  
4 of California to reside or practice elsewhere, whether temporarily or permanently,  
5 respondent is required to immediately notify the Division in writing within ten (10) days  
6 of the date of departure, and the date of return, if any.

7           11.    COMPLETION OF PROBATION Upon successful completion of probation,  
8 respondent's certificate will be fully restored to good standing.

9           12.    VIOLATION OF PROBATION If respondent violates probation in any  
10 respect, the Division, after giving respondent notice and the opportunity to be heard,  
11 may revoke probation and carry out the disciplinary order that was stayed. If an  
12 accusation or petition to revoke probation is filed against respondent during probation,  
13 the Division shall have continuing jurisdiction until the matter is final, and the period  
14 of probation shall be extended until the matter is final. No petition for modification or  
15 termination of probation shall be considered while there is an accusation or petition to  
16 revoke probation pending against respondent.

17                                   CONTINGENCY

18           This stipulation shall be subject to the approval of the Division. If the Division  
19 fails to adopt this stipulation as its Order, the stipulation shall be of no force or effect,  
20 and shall be inadmissible in any legal action between the parties.

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DATED: November 22, 1994.

I have read the above Stipulated Settlement and Disciplinary Order and approve of it as to form and content. I have fully discussed the terms and conditions and other matters therein with respondent Thomas M. Brod, M.D..

DATED: November 22, 1994.

By PETER R. OSINOFF  
Attorneys for Respondent

1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
3 submitted for the consideration of the Division of Medical Quality, Medical Board of  
4 California Department of Consumer Affairs.

5 DATED: November 22, 1994.

6 DANIEL E. LUNGREN, Attorney General  
7 of the State of California

8 

9 ROBERT McKIM BELL  
10 Deputy Attorney General

11 Attorneys for Complainant  
12

13 DECISION AND ORDER  
14 OF THE  
15 DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

16 The foregoing Stipulation and Order, in case number D-5408, is hereby adopted  
17 as the Order of the Division of Medical Quality, Medical Board of California  
18 Department of Consumer Affairs. An effective date of February 3, 1995, has been  
19 assigned to this Decision and Order.

20 Made this 4th day of January, 1995.

21 

22 FOR THE DIVISION OF MEDICAL QUALITY  
23 MEDICAL BOARD OF CALIFORNIA  
24  
25  
26  
27

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8 BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DIVISION OF MEDICAL QUALITY  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
10

11 In the Matter of the Accusation )  
Against: )

12 THOMAS M. BROD, M.D. )  
13 12304 Santa Monica Blvd., #210 )  
West Los Angeles, CA 90025 )

14 Physician and Surgeon )  
15 Certificate No. G-20595, )

16 Respondent. )  
17

CASE No. D-5408

A C C U S A T I O N

18 The Complainant alleges that:

19 PARTIES

20 1. Complainant is Dixon Arnett, Executive Director of  
21 the Medical Board of California (hereinafter referred to as "the  
22 Board"), and he brings this Accusation solely in his official  
23 capacity.

24 2. On or about June 28, 1971, Physician's & Surgeon's  
25 Certificate No. G-20595 was issued by the Board to Thomas M.  
26 Brod, M.D., (hereinafter "respondent") and at all times herein  
27 mentioned, said license has been in full force and effect.

JURISDICTION

3. This Accusation is brought under the authority of the following sections of the California Business & Professions Code (hereinafter referred to as "the Code"):

4. Section 2220 of the Code provides the Division of Medical Quality, a division of the Board, may take action against all persons guilty of violating the Medical Practice Act.

5. Section 2227 of the Code provides that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act.

6. Section 2234 of the Code provides that the Division shall take action against any licensee charged with unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct which would have warranted the denial of a certificate."

1           7.     Section 726 of the Code provides that the  
2 commission of any act of sexual abuse, misconduct, or relations  
3 with a patient, client, or customer which is substantially  
4 related to the qualifications, functions, or duties of the  
5 occupation for which a license was issued constitutes  
6 unprofessional conduct, and grounds for disciplinary action for  
7 any person licensed as a physician and surgeon.

8           8.     Section 51002(a) of the California Welfare and  
9 Institutions Code provides that a provider of service under the  
10 Medi-Cal program shall not submit claims to or demand or  
11 otherwise collect reimbursement from a Medi-Cal beneficiary, or  
12 from other persons on behalf of the beneficiary, for any service  
13 included in the Medi-Cal program's scope of benefits in addition  
14 to a claim submitted to the Medi-Cal program for that service,  
15 except to:

16                 (a) Collect payments due under a contractual or legal  
17 entitlement pursuant to Section 14000(b) of the Welfare and  
18 Institutions Code,

19                 (b) Bill a long-term care patient for the amount of his  
20 liability,

21                 (c) Collect copayment pursuant to Welfare and  
22 Institutions Code Section 14134.

23           9.     Section 51481 of Title 22 of the California Code  
24 of Administrative Regulations provides that no provider shall  
25 engage in conduct inimical to the public health, morals, welfare  
26 and safety of any Medi-Cal beneficiary.

27           10.    Section 51478 of Title 22 of the California Code

1 of Administrative Regulations provides that no provider shall  
2 solicit, request, accept, or receive, any rebate, refund,  
3 commission, preference, patronage dividend, discount, or any  
4 other gratuitous consideration, in connection with the rendering  
5 of health care service to any Medi-Cal beneficiary.

6           11.     Section 51452(a) of Title 22 of the California  
7 Code of Administrative Regulations provides that violation of any  
8 Medi-Cal statute, rule or regulation relating to the provision of  
9 health care services under the California Medical Assistance  
10 Program by an individual shall be deemed contrary to the public  
11 health, safety, welfare, morals, and to said program.

12           12.     Section 2263 of the Code provides that the  
13 willful, unauthorized vioation of professional confidence  
14 constitutes unprofessional conduct.

15                           FIRST CAUSE OF ACTION

16           13.     Respondent is subject to disciplinary action under  
17 section 726 of the Code in that he engaged in that he has  
18 committed and attempted to commit multiple acts of sexual abuse,  
19 misconduct, or relations with patient V.T. (hereinafter  
20 "patient"). The facts and circumstances are as follows:

21           A.     On or about July 5, 1985, patient consulted the  
22 respondent, a psychiatrist, for persistent urinary  
23 retention.

24           B.     In or about August 1985, respondent undertook  
25 biofeedback therapy with patient for her urinary  
26 problem. In or about February 1986, patient's  
27 urinary retention problem had improved and she ceased



1 further biofeedback therapy.

2 (1) During this period of biofeedback therapy,  
3 patient and respondent discussed various mutual  
4 interests.

5 (2) During this period of biofeedback therapy,  
6 respondent commented to patient that "women would  
7 kill to have a body that looked as good as hers."

8 (3) In or about February 1986, when patient told  
9 respondent of her desire to cease further  
10 biofeedback therapy, respondent replied that:

11 (a) patient should continue therapy with him,

12 (b) he thought he was falling in love with  
13 her,

14 (c) he wanted a relationship with her,

15 (4) Respondent then hugged and kissed patient,  
16 and then patient departed respondent's office  
17 with no further therapy being conducted

18 (a) that evening respondent arrived at  
19 patient's home with flowers for her and a  
20 cassette tape for her daughter,

21 (b) respondent claimed that his purpose in  
22 coming to patient's home was to persuade her  
23 to continue in therapy with him,

24 (c) respondent further told patient he was in  
25 need of love, that she was lonely and in need  
26 of love,

27 (d) the following day, respondent sent

1 flowers to patient with an accompanying card,  
2 signed, "Love, T. Brod."

3 (5) In February 1986, biofeedback therapy ended  
4 and psychotherapy between patient and respondent  
5 began. Through and including in or about April  
6 1986, therapy sessions included hugging and  
7 kissing. During this period, respondent and  
8 patient engaged in:

9 (a) Saturday sightseeing, and

10 (b) meals and tea at patient's residence.

11 (6) In or about April 1986 through in or about  
12 August 1986, therapy focused on patient's  
13 writing.

14 (a) During this period, respondent  
15 incorporated certain pictures and a story  
16 line which he developed into a profile of  
17 patient's therapy entitled The Awakening of  
18 the Soul.

19 (b) The Awakening of the Soul was presented  
20 by respondent at various professional  
21 meetings.

22 (7) In or about August 1986, patient was notified  
23 of a million dollar inheritance. During her next  
24 therapy session, she told respondent of the  
25 notification.

26 (8) In or about September 1986, patient told  
27 respondent that she would need to travel to

1 Switzerland to take care of matters involving her  
2 inheritance. The respondent told patient she  
3 would need him to come along; however, for him to  
4 accompany her, patient would have to write a  
5 letter stating her need to have him along.  
6 Respondent told patient he would bring his wife.  
7 Patient questioned whether their therapy relation  
8 would change, and the respondent replied that he  
9 knew what he was doing, and he discounted her  
10 worries.

11 (9) At the next session, the respondent told  
12 patient that he had purchased the tickets. Upon  
13 respondent's advice, patient substituted her  
14 attorney handling her inheritance for a friend of  
15 respondent's.

16 (10) Upon arriving in Europe, in September 1986,  
17 the respondent, his wife, and patient stayed in a  
18 hotel in Zurich, Switzerland. During the first  
19 evening, at approximately 12:30 a.m., the  
20 respondent came to patient's room.

21 (a) The respondent initially sat with  
22 patient on the edge of her bed, then laid  
23 next to her.

24 (b) Respondent repeatedly urged patient to  
25 engage in sexual intercourse, stating, "Our  
26 relationship is almost perfect" and that sex  
27 is "your hang-up, not mine." He further

1 stated that sex would be good for her  
2 therapy, and that doing it with someone you  
3 love and who loves you in Switzerland where  
4 patient had been incestually victimized  
5 would be therapeutic.

6 (c) Patient questioned whether they could  
7 merely continue the relationship without sex;  
8 whereupon respondent told her, "It would be  
9 too bad if we broke up because of your hang-  
10 up." Patient thereupon relented, and engaged  
11 in sexual intercourse with the respondent.

12 (d) In following evenings, while the  
13 respondent's wife slept, the respondent and  
14 patient engaged in sexual intercourse.

15 (11) On or about September 19, 1986, respondent  
16 entered patient's hotel bedroom in Amsterdam and  
17 asked patient for sexual intercourse. Patient  
18 begged respondent not to engage in sexual  
19 intercourse that evening, her birthday. He  
20 refrained from sexual intercourse that evening.

21 (12) Upon their return to California, the  
22 respondent presented patient with a bill for the  
23 cost of the trip, including souvenirs purchased  
24 by his wife. Patient paid \$8,000.00 to respondent  
25 for the trip.

26 (13) In or about October 1986, during the first  
27 week back in therapy, the respondent inquired as

1 to further payments by patient, whereupon she paid  
2 respondent an additional \$1,000.00 in professional  
3 fees.

4 (a) Respondent then stated he missed  
5 patient, and scheduled therapy five times a  
6 week as the last appointment of the day.  
7 This time was selected so that they could  
8 share "loving time."

9 (b) Respondent stated that all charges for  
10 further therapy sessions would end inasmuch  
11 as they had entered into a different kind of  
12 relationship.

13 (14) From in or about October 1986 through and  
14 including in or about April 1989, the respondent  
15 and patient met daily at or about 5:00 p.m. for 3  
16 to 3 1/2 hour sessions, which frequently included:

17 (a) fondling,

18 (b) kissing,

19 (c) manual stimulation,

20 (d) sexual intercourse,

21 (e) reading and editing written submissions  
22 towards a manuscript drafted by patient.

23 (15) During the period between in or about October  
24 1986 through and including in or about April 1989,  
25 respondent directed patient to deny their  
26 relationship to anyone, and stated that he could  
27 lose his license if anyone found out.

1 (16) In or about March 1989, patient requested  
2 that respondent return her manuscript. Respondent  
3 refused.

4 (17) In or about April 1989, patient told  
5 respondent that she intended to end their  
6 relationship. Respondent became angry with  
7 patient and stated, "You are going to cause  
8 trouble. Can't you see what you're doing?" He  
9 stated to patient that they could "still be  
10 friends." He offered to take patient to lunch for  
11 a talk. Patient declined. Respondent told  
12 patient that there was no reason their love had to  
13 end like this. He then asked patient to remain in  
14 his outer waiting room while he typed a letter.  
15 She agreed.

16 (a) When the respondent finished with his  
17 letter, he joined patient and took her to his  
18 car to purportedly take her home.

19 (b) Instead of taking her home, respondent  
20 drove patient to a medical facility. When  
21 she asked respondent where she was, he  
22 responded that she is going where she can't  
23 cause trouble and that she would stay until  
24 he got her out.

25 (c) As she left the vehicle, she was  
26 apprehended by a guard, and restrained with  
27 handcuffs. The respondent told the guard

1 that the patient had tried to kill both  
2 herself and the respondent. He stated,  
3 "She's dangerous." He gave the guard a  
4 letter and directed that she be held and  
5 transported to a county facility pursuant to  
6 Welfare and Institutions Code section 5150.

7 SECOND CAUSE OF ACTION

8 14. Respondent is subject to disciplinary action under  
9 sections 2234 and 2263 of the Code for unprofessional conduct in  
10 the willful and unauthorized violation of professional  
11 confidence. The facts and circumstances are as follows:

12 A. Complainant incorporates by reference paragraph  
13 13 as though fully set forth herein.

14 B. Respondent revealed to patient certain confidences  
15 concerning:

16 1. Patient K.P.

17 (a) That patient K.P. saw respondent for  
18 biofeedback and psychotherapy.

19 (b) That patient K.P.'s husband was a  
20 musician.

21 (c) That patient K.P. and respondent had  
22 entered into a commercial transaction  
23 involving a harp.

24 2. Patient C.R.

25 (a) That patient C.R. saw respondent for  
26 psychotherapy.

27 (b) That patient C.R. was employed as a

1 writer for the Los Angeles Weekly.

2 (c) That patient C.R. had studied  
3 acupuncture.

4 (d) That patient C.R. had large breasts  
5 which resulted from breast feeding her  
6 child.

7 3. Patient K.W.

8 (a) That patient K.W. saw respondent for  
9 psychotherapy.

10 (b) That patient K.W. was employed as a  
11 registered nurse at Santa Monica Hospital.

12 C. Respondent revealed to patient K.W. certain  
13 confidences concerning patient V.T.

14 1. That patient V.T. saw respondent for  
15 psychotherapy.

16 2. That patient V.T. had been contacted for an  
17 inheritance.

18 3. That patient V.T. had not yet gained her  
19 inheritance.

20 THIRD CAUSE OF ACTION

21 15. Respondent is subject to disciplinary action under  
22 sections 51002(a) of the California Welfare and Institutions Code  
23 and 51452(a), 51478, and 51481 of Title 22 of the California Code  
24 of Administrative Regulations and 2234(e) of the Code for  
25 unprofessional conduct in that he has committed and attempted to  
26 commit several acts of dishonesty or corruption substantially  
27 related to the qualifications, functions or duties of a physician



1 and surgeon. The facts and circumstances are as follows:

2 A. Complainant incorporates by reference paragraph  
3 13 as though fully set forth herein.

4 B. In or about August 1985, respondent received  
5 payment for biofeedback services provided patient V.T.  
6 by Medi-Cal.

7 C. From in or about August 1985 through in or  
8 about February 1986, respondent received cash payments  
9 from patient V.T. for biofeedback services rendered.

10 D. In or about January 1986 through in or about  
11 December 1986, respondent received payment for  
12 psychotherapeutic services rendered patient V.T. by  
13 Medi-Cal.

14 E. From in or about March 1986 through and including  
15 in or about October 1986, respondent received payment  
16 from patient for psychotherapeutic services rendered.

17 F. From in or about August 1985 through and including  
18 in or about October 1986, respondent did not report to  
19 Medi-Cal payments received by patient V.T. for services  
20 rendered to Medi-Cal.

21 FOURTH CAUSE OF ACTION

22 16. Respondent is subject to disciplinary action under  
23 section 2234(b) of the Code for unprofessional conduct in that he  
24 has committed and attempted to commit several acts of gross  
25 negligence. The facts and circumstances are as follows:

26 A. Factual Allegations

27 (1) Complainant incorporates by reference

1 paragraphs 13, 14 and 15 as though fully set forth  
2 herein.

3 B. Allegations of Negligent Treatment

4 (1) Respondent failed to avoid a substantial and  
5 personal relationship with patient V.T., which  
6 included travel under the guise of therapy.

7 (2) Respondent failed to avoid a sexual  
8 relationship with patient V.T. under the guise of  
9 therapy.

10 (3) Respondent failed to properly utilize psycho-  
11 therapeutic sessions with patient V.T.

12 (4) Respondent inappropriately directed patient  
13 V.T. to draft a letter justifying respondent's  
14 travel to Europe with patient V.T.

15 (5) Respondent failed to maintain honest and  
16 forthright dealings with patient V.T.

17 (6) Respondent entered into a dual relationship  
18 with patient V.T. by entering into, maintaining,  
19 and supervising a financial relationship with her.

20 (7) Respondent engaged in the exploitation of  
21 patient V.T. by encouraging, entering into, and  
22 maintaining a financial or commercial relationship  
23 with her.

24 (8) Respondent failed to maintain a clear and  
25 objective perspective in conducting psychotherapy  
26 with patient V.T. when he entered into and  
27 maintained or supervised a financial or commercial

1 relationship with her.

2 (9) Respondent entered into a conflict of  
3 interest with patient V.T. by entering into,  
4 maintaining or supervising a financial or  
5 commercial relationship with her.

6 (10) Respondent compromised patient's ability for  
7 free and informed consent by entering into and  
8 supervising a financial or commercial relationship  
9 with patient V.T.

10 (11) Respondent failed to return material  
11 furnished by patient V.T. on demand.

12 (12) Respondent hospitalized patient V.T. in a  
13 psychiatric facility without medical indication  
14 therefore.

15 (13) Respondent failed to maintain clinical notes  
16 incident to treatment sessions with patient V.T.

17 FIFTH CAUSE OF ACTION

18 17. Respondent is subject to disciplinary action under  
19 section 2234(c) of the Code for unprofessional conduct in that he  
20 committed and attempted to commit repeated acts of negligence.  
21 The facts and circumstances are as follows:

22 A. Complainant incorporates by reference paragraph  
23 16 as though fully set forth herein.

24 SIXTH CAUSE OF ACTION

25 18. Respondent is subject to disciplinary action under  
26 section 2234(d) of the Code for unprofessional conduct in that he  
27 committed and attempted to commit incompetence. The facts and

1 circumstances are as follows:

2 A. Complainant incorporates by reference paragraph  
3 16 as though fully set forth herein.

4 SEVENTH CAUSE OF ACTION

5 19. Respondent is subject to disciplinary action under  
6 section 2234(e) of the Code for unprofessional conduct in that he  
7 committed and attempted to commit acts involving dishonesty or  
8 corruption substantially related to the qualifications,  
9 functions, or duties of a physician and surgeon. The facts and  
10 circumstances are as follows:


11 A. Complainant incorporates by reference paragraph  
12 16 as though fully set forth herein.

13 PRAAYER

14 WHEREFORE, Complainant prays a hearing be held on the  
15 matters alleged herein, and, following said hearing, the Division  
16 issue a decision:

- 17 1. Revoking or suspending Physician & Surgeon  
18 Certificate No. G-20595, heretofore issued to  
19 Thomas M. Brod, M.D.; and  
20 2. Taking such other and further action as the  
21 Division may deem proper.

22  
23 DATED: September 15, 1993.

24   
25 DIXON ARNETT  
26 Executive Director  
27 Medical Board of California  
Complainant